

## MINUTES

### NATURAL RESOURCES COMMISSION

Lansing Center  
333 E. Michigan  
Lansing  
-and-  
Stevens T. Mason Building  
530 W. Allegan  
Lansing

April 10-11, 2003

#### Present

Jim Campbell  
Keith Charters, Chair  
Paul Eisele, Vice-Chair  
Bob Garner  
John Madigan  
Bill Parfet  
Frank Wheatlake

K. L. Cool, Director  
A. Michael Leffler, Legal Counsel  
George Burgoyne, Resource Management Deputy  
James Ekdahl, Upper Peninsula Field Deputy  
Kelli Sobel, Administrative Services Deputy  
Department Staff

#### COMMITTEE OF THE WHOLE

**Vice-Chairman Eisele** called the Committee of the Whole meeting of the Natural Resources Commission (NRC) to order at 3:00 p.m. on Thursday, April 10, 2003. The Committee of the Whole is a working session of the NRC.

#### Off-Road Vehicle (ORV) Advisory Committee Report

**Jim Radabaugh, Acting Manager, Recreation and Trails Section, Forest, Mineral and Fire Management Division**, reported that Michigan has the largest designated ORV Trail in the nation. There are over 3100 miles of designated and maintained trails on public lands. There are 2020 acres of designated and maintained ORV scramble areas available to the riding public at five locations.

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**Chairman Charters** arrived at the meeting and assumed the Chair.

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Several planning and development projects occurred in 2002, including seven trailheads constructed to support parking needs of the trail riders. Five more trailheads are in the planning process for this year. The St. Helen Motorsport Area Master Plan was completed in 2002 and presented for adoption in January 2003. The Carrieville Campground Master Plan was also completed, and improvements are underway to accommodate the camping use by the ORV riding enthusiast. The AuSable Pilot Project undertook a look at improved signage and enforcement efforts for rider compliance.

With the assistance of 45 grant sponsor organizations the Department of Natural Resources (DNR) is able to maintain trails, develop trails, restore site damage, and support ORV enforcement.

The ORV Trails Advisory Board provides assistance and advice to the DNR about ORV program issues. Their role as the sounding board for the riding public is crucial in the process of growth and change that is so vital to this program.

In March 2003, five new board members were appointed by Director Cool. They are Adam Bump, John Ford, Errol Lee, Glenn Moll and Dick Ranney. They join continuing members Sheriff Jerry Cannon and Richard Rondeau. Department staff has been meeting the new members to provide orientation to their charge and lay out some initiatives that need to be undertaken. Working on their by-laws will be one of those initiatives. Their first meeting together will be May 14, at which time the members will select their new chair and vice-chair.

**Commissioner Eisele** questioned how much trail usage overlap there is between ORVs and snowmobiles. **Mr. Radabaugh** replied there is overlap considering the use of 4-wheelers. **Commissioner Wheatlake** asked how the trails are policed. **Mr. Radabaugh** responded that various enforcement entities police the trails, not just Conservation Officers. Discussion ensued on trail usage.

### **DNR Legislative Update**

**Director Cool** distributed a copy of a DNR Legislative Update from Dennis Knapp, Legislative Liaison. Mr. Knapp was unavailable to provide details but would be present on Friday for questions. **Director Cool** reported that House Bill 4257, legislation to allow Great Lakes riparian owners the ability to mow, groom and level sand on exposed Great Lakes bottomlands, has been reported favorably by the House Great Lakes & Tourism Committee. Substitute language to further define activities that would be allowed without a permit on these Great Lakes beaches is being developed.

### **Bovine Tuberculosis Update**

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**Becky Humphries, Wildlife Division Chief, and Joan Arnoldi, State Veterinarian, Department of Agriculture,** presented an update on bovine tuberculosis (TB) in Michigan.

The U. S. Department of Agriculture (USDA) has developed proposed rules on "Tuberculosis in Cattle and Bison; State and Zone Designations." The NRC was provided a copy of the proposed rules and was encouraged to comment on them prior to the deadline. The proposed rules amend the TB regulations by establishing two separate zones with different tuberculosis risk classifications in the State of Michigan and raising the designation of one of those zones from modified accredited to modified accredited advanced. This action is being proposed based on the USDA determination that Michigan meets the requirements for zone recognition and that one of the zones meets the criteria for designation as modified accredited advanced. Comments are due to the USDA by June 6, 2003.

**Ms. Humphries** reported that Graham Nugent, New Zealand, will join staff and the NRC in May to review prevalence rates of TB in Michigan. She stated that Michigan wants to ensure diligence in its effort to address the TB situation and ensure the appropriate path is taken.

The Committee of the Whole meeting adjourned at 3:25 p.m.

**CLOSED SESSION**

The NRC went into closed session from 3:30 p.m. to 4:40 p.m. to discuss personnel issues. It had been requested to hold this discussion in confidence.

## REGULAR MEETING OF THE NATURAL RESOURCES COMMISSION

**Chairman Charters** called the regular meeting of the Natural Resources Commission (NRC) to order at 4:40 p.m.

### PUBLIC COMMENT

Dave Borgeson, Michigan Resource Stewards  
Adam Bump, Ruffed Grouse Society  
Dave Hogan, Michigan Hawking Club  
Larry Holcomb, Olivet  
Bill Pearson, Kent Lake Elementary School  
Dale Sheltroun, State Representative  
Ed Spinazzola, Quality Deer Management Association  
Sam Washington, MUCC

**Larry Holcomb, Olivet**, provided suggestions, as a farmer, to deer management in Michigan as follows: 1. no more than 40 deer per square mile with a state average of less than 30; 2. doe-to-buck ratio of 2:1; 3. stop all baiting and feeding where nose-to-nose contact is enhanced; 4. require four points on a side for bucks taken below the line running south of Manistee to Iosco Counties-require three points on a side for all bucks north of this line; 5. limit of one buck each year until the doe to buck ratio is brought down to 2:1, then discuss possible reestablishment of the two-buck limit; 6. manage does to bring the population ratio of does-to-bucks to 2:1; 7. continue to educate hunters to not harvest button bucks; and 8. rather than a late antlerless season, have an antlerless season in October.

**Adam Bump, Ruffed Grouse Society**, thanked the NRC for considering the late grouse season in the Upper Peninsula and encouraged support. **Commissioner Garner** noted that the NRC Policy Committee on Wildlife Issues met earlier and recommended that the NRC adopt a December ruffed grouse season in the Upper Peninsula. **Mr. Bump** stated that extending the season would not increase grouse mortality.

**Bill Pearson, Kent Lake Elementary**, expressed concern with Island Lake Recreation Area and the proximity of the hunting area to Kent Lake Elementary School. He requested that an expanded zone surrounding the school grounds be established for safety of the students from hunters. He pointed out the area of concern being on the northern border of the school near the playground area. He said that the problem occurs when parents see hunters. **Director Cool** said that the school was built in 2000 without notifying the DNR. The DNR was never provided the opportunity to comment on this project relative to the proximity to our Island Lake Recreation Area. **Director Cool** stated that he does not believe the placement of this school property relative to the Recreation Area is a safety

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concern. He stated however, that, prior to any decision in this matter, he would seek counsel from Michael Leffler from the Office of the Attorney General and Legal Counsel to the NRC.

**Dave Hogan, Michigan Hawking Club**, supported Option 2 of the proposed squirrel season regulations to extend the season to include September 15 to March 1. **Commissioner Campbell** added that he believes the regulations should also include the taking of squirrels with hawks.

**Sam Washington, MUCC**, supports the proposed extension of a December grouse season in the Upper Peninsula. He asked that the NRC consider the practice of shooting budding grouse. Mr. Washington supports the extended squirrel season and commented this will give youth another species to hunt during rabbit season. Regarding the Kent Lake Elementary School, Lyon Township, Mr. Washington stated that he has walked the property and does not believe there is a safety risk, and he stated that had the school district considered the proximity of the property to the Recreation Area into consideration, the safety issue would not exist.

**Ed Spinazzola, Quality Deer Management Association**, provided an analysis of the four-year data of DMU 118 Clare County. He believes the data proves you can produce more bucks by practicing quality deer management (QDM) than through regular management.

**Commissioner Eisele** noted that the NRC Policy Committee on Wildlife Issues will be reviewing the QDM procedures. Relative to resurveying the results of the QDM surveys, he does not believe a duplicate survey should be conducted at the expense of the hunters and fishers of Michigan.

**Representative Dale Sheltroun** discussed the proposed rules on TB and their impact on split-state status. He thanked Chairman Charters and DNR staff for their persistence in this issue and for coming to the northeast Lower Peninsula to keep the process moving.

**Dave Borgeson, Michigan Resource Stewards**, supports extending the squirrel season and supports extending the ruffed grouse season in the Upper Peninsula. He believes that the DNR should approach hunters on how to tell the difference between a doe and a button buck for harvest tagging purposes.

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**Commissioner Garner** left the meeting.

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**Dan Rockafellow, Lansing**, commented on DNR methods of estimating deer harvest. He recommended that the DNR take the appropriate action to fully utilize existing forms of technology such as the internet, point-of-sale license terminals, and the use of 1-800 phone lines to gather information about the Michigan deer harvest. He believes that by changing the system, it would be less costly, easier to manage, provide more rapid data collection, provide better data and create credibility of the DNR in the eyes of the hunters.

**Everett Horton, Pentwater**, supports the proposed regulations for an extended squirrel season.

**Brad Burgess, Clare County**, supports QDM in Deer Management Unit 118, Clare County.

**Joe Burgess, Clare County**, supports QDM and believes it develops large populations of bucks.

**Matt McDonough and Todd Vigland, Grand Traverse Regional Land Conservancy**, supported Property Management Transactions a. State Forest Land Acquisition, Gaylord Forest Management Unit – Antrim County, The Dearborn Woods and Water Club Tract, Land Transaction Case #20030032 and b. State Forest Land Acquisition, Traverse City Forest Management Unit – Grand Traverse County, The Haliburda Tract, Land Transaction #20030033. They understand that property taxes (PILT) is involved and they are willing to work with the DNR to develop options for payment of the taxes. **Commissioner Wheatlake** expressed concern with the cost per acre on these properties.

**Ed Ingvarson, Ionia**, is supportive of the current wildlife licensing system and he supports the 66 percent approval rate for QDM. He believes that quality deer management should be a choice, not mandatory. Mr. Ingvarson supports extending the small game seasons as proposed.

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The Natural Resources Commission meeting adjourned at 6:16 p.m. on Thursday, April 10, 2003 and reconvened at 8:30 a.m. on Friday, April 11, 2003.

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**DIRECTOR'S REPORTS**

**Dennis Knapp, Legislative Liaison**, reported that House Bill 4257, regarding beach grooming, passed by a smaller margin than anticipated.

**Mr. Knapp** reported that the Senate is addressing permitting large-scale groundwater withdrawals. The Department of Environmental Quality is the lead agency working to integrate impacts to natural resources. This is a complicated issue with many special interest groups involved. This will be a Senate priority.

**Mr. Knapp** reported that the Drain Code was introduced in the House and the Senate. The version that passed the House in 1999 will be the starting point in both houses.

### **NRC Policy Committee on Wildlife Issues - Report**

**Commissioner Garner, Committee Chair**, reported that the NRC Policy Committee on Wildlife Issues met on Thursday, April 10, 2003 at 12:30 p.m. in Lansing. Commissioner Garner and Campbell were present for the Committee. Topics of discussion included: Proposed Changes for Deer, Elk, Fall Turkey, Squirrel and Ruffed Grouse Regulations; Wolf Reclassification Update; Evaluation of Late Antlerless Season, and Cormorant Proposed Rule Update. The Committee fully endorsed all of the proposed regulations.

**Commissioner Garner** commented that discussion was held regarding surveys on the late antlerless season. He stated that, based on the surveys, the direction will be to eliminate the late antlerless season.

### **NRC ACTION**

#### **Approval of Minutes – March 6-7, 2003 Natural Resources Commission Meeting**

**Commissioner Eisele** made a motion, supported by Commissioner Garner, for approval. Motion unanimously carried.

#### **Bear Baiting - Wildlife Conservation Order, Amendment No. 1 of 2003**

**Commissioner Garner** made a motion, supported by Commission Parfet, for approval. Motion unanimously carried.

#### **.17 Caliber Rimfire Firearms – Wildlife Conservation Order, Amendment No. 2 of 2003**

**Commissioner Garner** made a motion, supported by Commissioner Campbell, for approval. Motion unanimously carried.

### **DIRECTOR ACTION ITEMS**

**George Burgoyne, Resources Management Deputy**, stated he would sign all Director's Action items on behalf of Director Cool, **except a. State Forest Land Acquisition, Gaylord Forest Management Unit – Antrim County, The Dearborn Woods and Water Club Tract, Land Transaction Case #20030032 and b. State Forest Land Acquisition, Traverse City Forest Management Unit – Grand Traverse County, The Haliburda Tract, Land Transaction #20030033** which will be held over for further review of cost per acre and tax issues.

### **Sealed Bid Lease Auction**

**Mindy Koch, Forest, Mineral and Fire Management Chief**, stated that, relative to the Director's Action item on Sealed Bid Lease Auction for Non-metallic Minerals – Construction Sand, Gravel, Cobbles, Boulders and Clay, bids are coming in higher than when the DNR was receiving noncompetitive bids. Prices for property fluctuate depending on access to the area. She believes the process is working well.

### **Licenses**

**Commissioner Garner** expressed concern with hunting licenses. The color of turkey licenses issued was of concern. Staff is working with contractors to get new stock for printing of these licenses; however, several have been issued on the old stock. **Deputy Burgoyne** stated that action has been taken to address future communications amongst staff to prevent future incidences. He also stated that the bar code on the licenses will continue to be utilized and will enable staff to gather wildlife information and can also be utilized for enforcement purposes.

### **Upper Peninsula Wildlife Meeting – Report**

**Chairman Charters** reported that the Upper Peninsula Wildlife meeting was held on Monday, April 7, 2003 at 6:30 p.m. in Marquette. **Commissioners Garner, Madigan and Charters** were present for the NRC. Minutes of the meeting will be developed under a separate cover.

### **NRC Policy Committee on Finance and Administration Meeting Report**

**Commissioner Parfet** reported that a NRC Policy Committee on Finance and Administration meeting was held on Friday, March 21, 2003 at 8:30 a.m. in Lansing. Commissioners Parfet, Wheatlake, and Charters were present for the NRC. Items of discussion included: higher yield investments and the process of public understanding of this process; a report on the Federal Audit; license fee

authority; and PILT. **Commissioner Parfet** is very impressed with the Department of Treasury staff and their knowledge of investments.

The next meeting of the Committee will be on May 19 in Lansing.

### **NRC Policy Committee on Land Management Meeting Report**

**Commissioner Eisele, Chair of the Committee**, reported that a NRC Policy Committee on Land Management meeting was held on Thursday, April 10, 2003 at 11:00 a.m. in Lansing. Commissioners Eisele and Madigan were present for the Committee. Chairman Charters and Wheatlake also attended.

**Commissioner Eisele** reported that discussion was held on the "DRAFT Ownership Strategy For Lands Administered on Behalf of the State's Citizens by The Department of Natural Resources." **Deputy Burgoyne** summarized this draft report. Phase 1 calls for the DNR to review and make recommendations to the Director on all DNR project boundaries by September 2003.

**Commissioner Eisele made a motion, supported by Commissioner Wheatlake, to implement "Action Strategies – Phase 1" of the DRAFT Ownership Strategy for Lands Administered on Behalf of the State's Citizens by the Department of Natural Resources.**

**Commissioner Wheatlake** commented that this strategy commits the DNR to identify and inventory state lands. **Commissioner Parfet** asked if a moratorium on land transactions not initiated by the DNR would be enacted during this review process. The only land transactions that will take place through this process will be those initiated by the DNR and trespass issues. He asked if, when it is time to do exchanges, can the DNR do a "clearinghouse?" That option will be considered. **Chairman Charters** stated that the first meeting of Governor Granholm's Land Use Council was held and the next meeting is scheduled for Monday, April 14. This strategy will be one component of the Land Use Council recommendations. **Commissioner Garner** supports placing restrictions on lands purchased by private citizens deeming them conservation cooperators. Discussion ensued on this issue. **Commissioner Eisele** stated that the reports will be provided to the NRC as developments occur.

**Motion unanimously carried.**

### **COMMISSIONER REPORTS**

**Commissioner Garner** hosted "Ask The DNR" at Central Michigan University; and he received several phone calls and letters relative to DNR issues. He attended the U.P. Wildlife meeting in Marquette.

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**Commissioner Wheatlake** received several calls and letters relative to DNR issues.

**Commissioner Parfet** stated that, in times of funding cutbacks, consideration should be given to tapping the private sector for program funding if possible. He reported that he is in the process of obtaining private funding for the L.A.P.s program.

**Commissioner Madigan** attended the U.P. Wildlife meeting in Marquette; and participated in a compartmental review workshop. He commended DNR staff on their efforts in both the meeting and the workshop.

**Commissioner Campbell** received several phone calls related to DNR issues; and attended the National Wildlife Federation conference in Washington DC, where he met to discuss state police towers in certain locations in the State.

**Commissioner Eisele** received several phone calls regarding issues including QDM. He attended a forestry certification conference in Vancouver and stated that China, for one, is a large competitor in the forestry business.

**Commissioner Parfet** recognized that there is a great deal of contention with groups on the deer harvest survey process. He suggested considering running an alternative survey simultaneously with the current survey process and review the results over time. He recommended that the survey be funded by constituent groups. Discussion will be held on this issue at the May NRC meeting.

**Chairman Charters** received correspondence on several issues including Natural Rivers; attended the NRC Policy Committee on Finance and Administration and attended the U.P. Wildlife meeting.

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The meeting adjourned at 10:20 a.m.